

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-4, 6-15, and 34-35 are pending in the present application, Claims 1 and 11-13 having been amended, and Claims 16-33 and 36-37 having been canceled without prejudice or disclaimer. Support for the present amendment is found, for example, in Figs. 11 and 19, and page 68, line 18 to page 69, line 2. Applicants respectfully submit that no new matter.

In the outstanding Office Action, Claims 1-4, 6-24, and 34-37 were rejected under 35 U.S.C. § 103(a) as unpatentable over Stefik (U.S. Pub. No. 2005/0086172) in view of Breiter et al. (U.S. Pub. No. 2003/0079133, herein “Breiter”).

Applicants respectfully traverse the rejection of Claim 1 as unpatentable over Stefik and Breiter. Amended Claim 1 recites, *inter alia*,

wherein the control unit is configured to perform, subsequent to a beginning of playing of said streaming contents by said information processing device serving as the contents playing device, subsequent authentication processing with the license storage device while the playing of the streaming contents is occurring, and is configured to stop the playing of said streaming contents when the subsequent authentication processing with the license storage device fails, said subsequent authentication at least confirming that the license storage device remains in communication with the information processing device serving as the contents playing device while the playing of the streaming contents is occurring.

Stefik and Breiter, when taken in proper combination, do not disclose or suggest at least this feature of Claim 1.

Paragraph [0005] of Breiter states:

The access checking unit checks whether a user has a privilege to access the protected information entity based on the protection specification and the access control

manager, and checks whether the requested access meets conditions determined based on the protection specification and enforced by the enhanced access control manager.

While this section of Breiter describes checking whether a user has a privilege to access protected information, there is no disclosure that such checking is performed subsequent to the rendering device reproducing the streaming contents and while the playing of the streaming contents is occurring.

Paragraph [0040] of Breiter further describes that on success of verification, the rendering device is allowed to render the content. There is no disclosure of a subsequent verification subsequent to the rendering device reproducing the contents and while the playing of the contents is occurring.

Furthermore, Claim 1 recites “said subsequent authentication at least confirming that the license storage device remains in communication with the information processing device serving as the contents playing device while the playing of the streaming contents is occurring.” This feature advantageously ensures that the license storage device remains in communication with the contents playing device during the playing of the streaming content. This prevents the licensing device from being used to provide access to the streaming contents on multiple content playing devices at the same time. This claimed feature is not disclosed by Breiter.

Page 5 of the Office Action refers to Fig. 1 of Stefik, an excerpt of which is provided below.

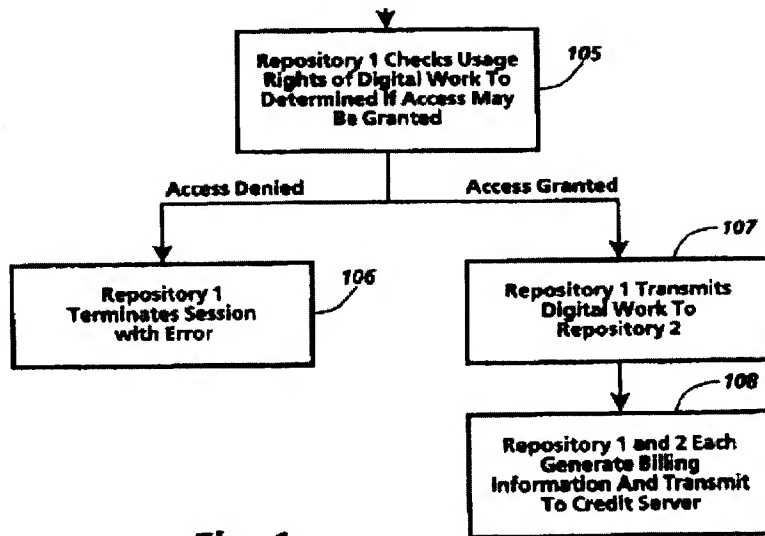


Fig. 1

In step 105, the usage rights are checked, and transmission of the digital work is subsequently performed in step 107 if access is granted. There is no disclosure of a subsequent verification subsequent to a device beginning playing of the contents and while the playing of the contents is occurring. Thus, Stefik does not disclose the claimed:

wherein the control unit is configured to perform, subsequent to a beginning of playing of said streaming contents by said information processing device serving as the contents playing device, subsequent authentication processing with the license storage device while the playing of the streaming contents is occurring, and is configured to stop the playing of said streaming contents when the subsequent authentication processing with the license storage device fails, said subsequent authentication at least confirming that the license storage device remains in communication with the information processing device serving as the contents playing device while the playing of the streaming contents is occurring.

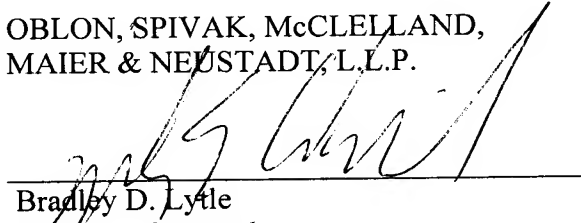
Since both Stefik and Breiter fail to disclose the above-noted elements of amended Claim 1, Applicants respectfully submit that a person of ordinary skill in the art could not properly combine these references to arrive at the invention defined by Claim 1.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 1 (and any claims dependent thereon) patentably distinguish over Stefik and Breiter, when taken in proper combination. Claim 12 recites elements analogous to those of Claim 1. Thus, Claim 12 patentably distinguishes over Stefik and Breiter for at least the reasons stated for Claim 1.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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